

STATE OF UTAH  
DIVISION OF WATER QUALITY  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SALT LAKE CITY, UTAH

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) PERMIT

Minor Industrial Permit No. **UT0026255**

In compliance with provisions of the Utah *Water Quality Act, Title 19, Chapter 5, Utah Code* (the "Act"),

**SALT DEVELOPMENT, LLC**

is hereby authorized to discharge from

**SALT LAKE CROSSING**

to receiving waters named the

**SALT LAKE CITY STORM DRAIN SYSTEM and the NORTHWEST DRAIN,**

in accordance with specific limitations, outfalls, and other conditions set forth herein.

This permit shall become effective on April 1, 2024

This permit expires at midnight on March 31, 2029.

Signed this Twenty-ninth day of March, 2024



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John K. Mackey, P.E.  
Director

DWQ-2024-000140

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DISCHARGE LIMITATIONS AND REPORTING REQUIREMENTS

- A. Description of Discharge Points. The authorization to discharge wastewater provided under this part is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under a UPDES permit are violations of the *Act* and may be subject to penalties under the *Act*. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge may be subject to criminal penalties as provided under the *Act*.

Outfall Number  
001

Location of Discharge Outfall 001  
Located at latitude 40° 48 ' 21.0996" N and longitude 111° 55' 39.108" W. Groundwater discharges to the Salt Lake City Stormwater System that drains to the Northwest Canal.

- B. Narrative Standard. It shall be unlawful, and a violation of this permit, for the permittee to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum, or other nuisances such as color, odor or taste, or cause conditions which produce undesirable aquatic life or which produce objectionable tastes in edible aquatic organisms; or result in concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by a bioassay or other tests performed in accordance with standard procedures.
- C. Specific Limitations and Self-Monitoring Requirements.
1. Effective immediately, and lasting through the life of this permit, there shall be no acute or chronic toxicity in Outfalls 001, as defined in *Part VIII* of this permit.
  2.
    - a. Effective immediately and lasting the duration of this permit, the Permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the Permittee as specified below:

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Parameter	Effluent Limitations *a			
	Maximum Monthly Avg	Maximum Weekly Avg	Daily Minimum	Daily Maximum
Total Flow, MGD *b *c	0.144	--	--	0.288
TSS, mg/L	--	--	--	70
pH, Standard Units	--	--	6.5	9
Oil & Grease, mg/L *e	--	--	--	10
Total Recoverable Lead, µg/L *f	--	--	--	5.0
Benzene, µg/L	--	--	--	5.0
BTEX, mg/L *g	--	--	--	0.1
MTBE, mg/L	--	--	--	0.2
Naphthalene, mg/L	--	--	--	0.7
Total Toxic Organics (TTO) *h	--	--	--	2.0
Individual Toxic Organics	--	--	--	*g
Total Petroleum Hydrocarbon (TPH) GRO, mg/L *i	--	--	--	1.0
TPH-DRO, mg/L *i	--	--	--	1.0
Toxic Metals, µg/L *j	--	--	--	Report
Total Dissolved Solids (TDS), mg/L	--	--	--	Report
Toxic Organics *d	--	--	--	Report

Self-Monitoring and Reporting Requirements			
Parameter	Frequency	Sample Type	Units
Total Flow	Continuous	Recorder/ Measured	MGD
pH, Standard Units	2x/Monthly	Grab	mg/L
TSS	Monthly	Grab	mg/L
Total Recoverable Lead	Monthly	Grab	mg/L
Oil & Grease	Monthly	Grab	mg/L
Benzene	2x/Monthly	Grab	mg/L
BTEX	2x/Monthly	Grab	mg/L
MTBE	2x/Monthly	Grab	mg/L
Naphthalene	Monthly	Grab	mg/L
Total Toxic Organics (TTO)	Monthly	Grab	mg/L
Individual Toxic Organics	Monthly	Grab	mg/L
Total Petroleum Hydrocarbon (TPH) GRO	Monthly	Grab	mg/L
TPH-DRO	Monthly	Grab	mg/L
Toxic Metals	Monthly	Grab	mg/L
TDS	Monthly	Grab	mg/L
Toxic Organics	Quarterly	Grab	mg/L

\*a See Definitions, *Part VIII*, for the definition of terms.

\*b Flow measurements of influent/effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained.

\*c If the rate of discharge is controlled, the rate and duration of discharge shall be reported.

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- \*d The permittee shall analyze the effluent for the presence of the toxic pollutants listed in 40 CFR 122 Appendix D Table II (Organic Toxic Pollutants). The pesticides fraction of Appendix D, Table II is suspended unless pesticides are expected to be present
- \*e Oil & Grease sampled when sheen is present or visible. If no sheen is present or visible, report NA.
- \*f The freshwater benchmarks values of some metals are dependent on water hardness. These effluent limits have been calculated using an assumption of 25mg/l CaCO<sub>3</sub> hardness.
- \*g BTEX shall be measured as the sum of benzene, ethylbenzene, toluene, and xylenes.
- \*h Those toxic organics that were detected in concentrations equal to or greater than 0.25 times (or, 25%) the numeric criteria in R317-2-14, or if no numeric criterial exists in R317-2-14, 0.25 times (or 25%) the drinking water MCL as defined by EPA, in the initial TTO influent screening will be required to be analyzed for during discharge. Toxic organics detected in concentrations equal to or greater than 0.25 times (or, 25%) the numeric criteria in R317-2-14 or the MCL shall have effluent discharge limitations in as defined in R317-2-14, or, if no numeric criteria exist in R317-2-14, the MCL as defined by EPA will be the limit. Individual toxic organics required to be monitored and analyzed on a monthly basis, will be specified in the DWQ section of the NOI upon permit issuance.
- \*i TPH-GRO and TPH-DRO analyses may be substituted for the TTO analyses upon approval from DWQ. Maximum daily effluent limitations of 1.0 mg/L TPH-GRO and TPH-DRO will be substituted for the TTO effluent limitation. It is the permittee's responsibility to petition the Director. Ongoing treatment systems will be required to conduct at least one TTO analysis per permit cycle. The Director may then approve, partially approve, or deny the request based on all available information. If approval is given, the modification will take place without a public notice.
- \*j The toxic metals to be sampled include the following: Total Recoverable Aluminum, Total Arsenic, Total Cadmium, Total Chromium, Total Copper, Total Mercury, Total Nickel, Total Silver and Total Zinc.

**D. Reporting of Monitoring Results.**

1. Reporting of Wastewater Monitoring Results Monitoring results obtained during the previous month shall be summarized for each month and reported on a Discharge Monitoring Report Form (EPA No. 3320-1)\* or by NetDMR, post-marked or entered into NetDMR no later than the 28<sup>th</sup> day of the month following the completed reporting period. The first report is due on May 28, 2024. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports including whole effluent toxicity (WET) test reports required herein, shall be signed and certified in accordance with the requirements of *Signatory Requirements (see Part VII.G)*, and submitted by NetDMR, or to the Division of Water Quality at the following address:

Department of Environmental Quality  
Division of Water Quality  
PO Box 144870  
Salt Lake City, Utah 84114-4870

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\* Starting January 1, 2017 monitoring results must be submitted using NetDMR unless the permittee has successfully petitioned for an exception.

## II. PRETREATMENT REQUIREMENTS

This section is only applicable when the permittee discharges to a POTW.

A. Definitions. For this section, the following definitions shall apply:

1. *Indirect Discharge* means the introduction of pollutants into a publicly-owned treatment works (POTW) from any non-domestic source regulated under section 307 (b), (c) or (d) of the CWA.
2. *Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
  - a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
  - b. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
3. *Pass Through* means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
4. *Publicly Owned Treatment Works* or *POTW* means a treatment works, as defined by section 212 of the CWA, which is owned by a State or municipality (as defined by section 502(4) of the CWA). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality, as defined in section 502(4) of the CWA, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
5. *Significant Industrial User (SIU)* is defined as an Industrial User discharging to a POTW that satisfies any of the following:
  - a. Has a process wastewater flow of 25,000 gallons or more per average work day;
  - b. Has a flow greater than five percent of the flow carried by the municipal system receiving the waste;
  - c. Is subject to Categorical Pretreatment Standards, or
  - d. Has a reasonable potential for adversely affecting the operation of the POTW or violating any pretreatment standard or requirement.

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6. *User or Industrial User (IU)* means a source of Indirect Discharge.
- B. Discharge to POTW. Any wastewaters discharged to the sanitary sewer, either as a direct discharge or as a hauled waste, are subject to Federal, State and local pretreatment regulations. Pursuant to Section 307 of The Water Quality Act of 1987, the permittee shall comply with all applicable federal General Pretreatment Regulations promulgated at 40 CFR 403, the State Pretreatment Requirements at UAC R317-8-8, and any specific local discharge limitations developed by the Publicly Owned Treatment Works (POTW) accepting the wastewaters. At a minimum, the discharge into a POTW must meet the requirements of Part II. D. and E. of the permit.
- C. Hazardous Waste Notification. The permittee must notify the POTW, the EPA Regional Waste Management Director, the Director and the State hazardous waste authorities in writing if they discharge any substance into a POTW that, if otherwise disposed of, would be considered a hazardous waste under 40 CFR 261. This notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous or batch).
- D. General and Specific Prohibitions.
1. General Prohibitions. The permittee may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph 2. of this section apply to the introducing pollutants into a POTW whether or not the permittee is subject to other National Pretreatment Standards or any national, State, or local Pretreatment Requirements.
  2. Specific Prohibitions. The following pollutants shall not be introduced into a POTW:
    - a. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C);
    - b. Pollutants, which will cause corrosive structural damage to the POTW, but in no case, discharges with a pH lower than 5.0;
    - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;
    - d. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at such volume or strength as to cause Interference in the POTW;
    - e. Heat in amounts, which will inhibit biological activity in the POTW, resulting in Interference, but in no case, heat in such quantities that the influent to the sewage treatment works exceeds 104°F (40°C));
    - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
    - g. Pollutants, which result in the presence of toxic gases, vapor, or fumes within the POTW in a quantity that may cause worker health or safety problems;
    - h. Any trucked or hauled pollutants, except at discharge points designated by the POTW;  
or

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- i. Any pollutant that causes Pass Through or Interference at the POTW.
  - j. Any specific pollutant which exceeds any Local Limitation established by the POTW.
- E. Categorical Standards. In addition to the general and specific limitations expressed in *Part II. D.* of this section, applicable National Categorical Pretreatment Standards must be met by all Industrial Users discharging into a POTW. These standards are published in the federal regulations at *40 CFR 405 through 471*.



III. BIOSOLIDS REQUIREMENTS

- A. The State of Utah has adopted the *40 CFR Part 503* federal regulations for the disposal of sewage sludge (biosolids) by reference. However, since this facility is a dewatering project, there is no sludge production. Therefore *40 CFR Part 503* does not apply at this time.

IV. STORM WATER REQUIREMENTS.

- A. Construction Storm Water Permit. Any construction at the facility that disturbs an acre or more of land, including less than an acre if it is part of a common plan of development or sale, is required to obtain coverage under the UPDES Construction General Storm Water Permit (UTRC00000). Permit coverage must be obtained prior to land disturbance. If the site qualifies, a Low Erosivity Waiver (LEW) Certification may be submitted instead of permit coverage.

V. MONITORING, RECORDING & GENERAL REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under *Part I* shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Samples of biosolids shall be collected at a location representative of the quality of biosolids immediately prior to the use-disposal practice.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under Utah Administrative Code ("UAC") *R317-2-10, UAC R317-8-4.1(10)(d)*, and/or *40 CFR 503* utilizing sufficiently sensitive test methods unless other test procedures have been specified in this permit. Monitoring must be conducted according to the test procedures listed above unless another method is required under 40 CFR subchapters N or O. Sufficiently sensitive test method means: (1) The method minimum level (ML) is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; or (2) The method has the lowest ML of the analytical methods approved under *40 CFR part 136* or required under *40 CFR chapter I, subchapter N or O* for the measured pollutant or pollutant parameter as per *40 CFR 122.44(i)(1)(iv)(A)*.
- C. Penalties for Tampering. The *Act* provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- E. Additional Monitoring by the Permittee. If the permittee monitors any parameter more frequently than required by this permit, using test procedures approved under Permit Part V.B., the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or the Biosolids Report Form.
- F. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
  2. The individual(s) who performed the sampling or measurements;
  3. The date(s) and time(s) analyses were performed;
  4. The individual(s) who performed the analyses;
  5. The analytical techniques or methods used; and,
  6. The results of such analyses.
- G. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. A copy of this UPDES permit must be maintained on site during the duration of activity at the permitted location
- H. Twenty-four Hour Notice of Noncompliance Reporting.
1. The permittee shall (orally) report any noncompliance including transportation accidents, spills, and uncontrolled runoff from biosolids transfer or land application sites which may

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seriously endanger health or environment, as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of circumstances. The report shall be made to the Division of Water Quality (DWQ) via the 24-hour answering service (801) 536-4123.

2. The following occurrences of noncompliance shall initially be reported by telephone to the DWQ via the 24-hour answering service as soon as possible but no later than 24 hours from the time the permittee becomes aware of the circumstances:
  - a. Any noncompliance which may endanger health or the environment;
  - b. Any unanticipated bypass, which exceeds any effluent limitation in the permit (See *Part VI.G, Bypass of Treatment Facilities.*);
  - c. Any upset which exceeds any effluent limitation in the permit (See *Part VI.H, Upset Conditions.*);
  - d. Violation of a daily discharge limitation for any of the pollutants listed in the permit. For other permit violations which will not endanger health or the environment, DWQ may otherwise be notified during business hours (801) 536-4300; or,
  - e. Violation of any of the Table 3 metals limits, the pathogen limits, the vector attraction reduction limits or the management practices for biosolids that have been sold or given away.
3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. The estimated time noncompliance is expected to continue if it has not been corrected;
  - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and,
  - e. Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.
4. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Division of Water Quality, (801) 536-4300.
5. Reports shall be submitted to the addresses in *Part I.D, Reporting of Monitoring Results.*
- I. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for *Part I.D* are submitted. The reports shall contain the information listed in *Part V.H.3.*
- J. Inspection and Entry The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

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1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, including but not limited to, biosolids treatment, collection, storage facilities or area, transport vehicles and containers, and land application sites;
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the *Act*, any substances or parameters at any location, including, but not limited to, digested biosolids before dewatering, dewatered biosolids, biosolids transfer or staging areas, any ground or surface waters at the land application sites or biosolids, soils, or vegetation on the land application sites; and,
5. The permittee shall make the necessary arrangements with the landowner or leaseholder to obtain permission or clearance, the Director, or authorized representative, upon the presentation of credentials and other documents as may be required by law, will be permitted to enter without delay for the purposes of performing their responsibilities.

VI. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of *the Act* and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The *Act* provides that any person who violates a permit condition implementing provisions of the *Act* is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions or *the Act* is subject to a fine not exceeding \$25,000 per day of violation.. Except as provided at *Part VI.G, Bypass of Treatment Facilities* and *Part VI.H, Upset Conditions*, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or prevent any land application in violation of this permit.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Collected screening, grit, solids, sludge, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not directly enter either the final effluent or waters of the state by any other direct route.
- G. Bypass of Treatment Facilities.
  - 1. Bypass Not Exceeding Limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to paragraph 2 and 3 of this section.
  - 2. Prohibition of Bypass.
    - a. Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

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- (1) Bypass was unavoidable to prevent loss of human life, personal injury, or severe property damage;
  - (2) There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and
  - (3) The permittee submitted notices as required under *Part VI.G.3*.
- b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in *Parts VI.G.2.a (1), (2) and (3)*.
3. Notice.
- a. *Anticipated bypass*. Except as provided above in *Part VI.G.2* and below in *Part VI.G.3.b*, if the permittee knows in advance of the need for a bypass, it shall submit prior notice, at least ninety days before the date of bypass. The prior notice shall include the following unless otherwise waived by the Director:
    - (1) Evaluation of alternative to bypass, including cost-benefit analysis containing an assessment of anticipated resource damages;
    - (2) A specific bypass plan describing the work to be performed including scheduled dates and times. The permittee must notify the Director in advance of any changes to the bypass schedule;
    - (3) Description of specific measures to be taken to minimize environmental and public health impacts;
    - (4) A notification plan sufficient to alert all downstream users, the public and others reasonably expected to be impacted by the bypass;
    - (5) A water quality assessment plan to include sufficient monitoring of the receiving water before, during and following the bypass to enable evaluation of public health risks and environmental impacts; and,
    - (6) Any additional information requested by the Director.
  - b. *Emergency Bypass*. Where ninety days advance notice is not possible, the permittee must notify the Director, and the Director of the Department of Natural Resources, as soon as it becomes aware of the need to bypass and provide to the Director the information in *Part VI.G.3.a.(1) through (6)* to the extent practicable.
  - c. *Unanticipated bypass*. The permittee shall submit notice of an unanticipated bypass to the Director as required under *Part V.H*, Twenty-Four Hour Reporting. The permittee shall also immediately notify the Director of the Department of Natural Resources, the public and downstream users and shall implement measures to minimize impacts to public health and environment to the extent practicable.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of paragraph 2 of this section are met. Director's administrative determination regarding a claim of upset cannot be judiciously challenged by the permittee until such time as an action is initiated for noncompliance.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required under *Part V.H, Twenty-four Hour Notice of Noncompliance Reporting*; and,
  - d. The permittee complied with any remedial measures required under *Part VI.D, Duty to Mitigate*.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of *The Water Quality Act of 1987* for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

J. Changes in Discharge of Toxic Substances. Notification shall be provided to the Executive Secretary as soon as the permittee knows of, or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - a. One hundred micrograms per liter (100 ug/L);
  - b. Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/L) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
  - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R317-8-3.4(7)* or (10); or,
  - d. The level established by the Executive Secretary in accordance with *UAC R317-8-4.2(6)*.



**PART VI**  
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2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - a. Five hundred micrograms per liter (500 ug/L);
  - b. One milligram per liter (1 mg/L) for antimony;
  - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R317-8-3.4(9)*; or,
  - d. The level established by the Executive Secretary in accordance with *UAC R317-8-4.2(6)*.

VII. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 122.29(b); or
  2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit nor to notification requirements under Subsection R317-8-4.1(15).
  3. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. The permittee shall give notice to the Director of any planned changes at least 30 days prior to their implementation.
- B. Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.
- C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit.
- E. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- F. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- G. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
1. All permit applications shall be signed by either a principal executive officer or ranking elected official. A person is a duly authorized representative only if:

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- a. The authorization is made in writing by a person described above and submitted to the Director, and,
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
    - (1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
      - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
      - (b) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
    - (2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
    - (3) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
      - (a) The chief executive officer of the agency, or
      - (b) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person.
  3. Changes to authorization. If an authorization under *paragraph VII.G.2* is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of *paragraph VII.G.2* must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
  4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that

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qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- H. Penalties for Falsification of Reports. The *Act* provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both.
- I. Availability of Reports. Except for data determined to be confidential under *UAC R317-8-3.2*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of Director. As required by the *Act*, permit applications, permits and effluent data shall not be considered confidential.
- J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the permittee of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the *Act*.
- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 20 days in advance of the proposed transfer date;
  2. The notice includes a written agreement between the existing and new permittee's containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
  3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- N. State or Federal Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by *Sections 19-5-117 and 510 of the Act* or any applicable Federal or State transportation regulations, such as but not limited to the Department of Transportation regulations.

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- O. Water Quality - Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations and compliance schedule, if necessary, if one or more of the following events occurs:
1. Water Quality Standards for the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
  2. A final wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.
  3. Revisions to the current CWA § 208 areawide treatment management plans or promulgations/revisions to TMDLs (40 CFR 130.7) approved by the EPA and adopted by DWQ which calls for different effluent limitations than contained in this permit.
- P. Biosolids – Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate biosolids limitations (and compliance schedule, if necessary), management practices, other appropriate requirements to protect public health and the environment, or if there have been substantial changes (or such changes are planned) in biosolids use or disposal practices; applicable management practices or numerical limitations for pollutants in biosolids have been promulgated which are more stringent than the requirements in this permit; and/or it has been determined that the permittees biosolids use or land application practices do not comply with existing applicable state of federal regulations.
- Q. Toxicity Limitation - Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include WET testing, a WET limitation, a compliance schedule, a compliance date, additional or modified numerical limitations, or any other conditions related to the control of toxicants if toxicity is detected during the life of this permit.

VIII. DEFINITIONS

A. Wastewater.

1. The "7-day (and weekly) average", other than for *E. coli* bacteria, fecal coliform bacteria, and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for *E. coli* bacteria, fecal coliform bacteria, and total coliform bacteria. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains Saturday.
2. The "30-day (and monthly) average," other than for *E. coli* bacteria, fecal coliform bacteria and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for *E. coli* bacteria, fecal coliform bacteria and total coliform bacteria. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
3. "Act," means the *Utah Water Quality Act*.
4. "Acute toxicity" occurs when 50 percent or more mortality is observed for either test species at any effluent concentration (lethal concentration or "LC<sub>50</sub>").
5. "Bypass," means the diversion of waste streams from any portion of a treatment facility.
6. "Chronic toxicity" occurs when the IC<sub>25</sub> < XX% effluent. The XX% effluent is the concentration of the effluent in the receiving water, at the end of the mixing zone expressed as per cent effluent.
7. "IC<sub>25</sub>" is the concentration of toxicant (given in % effluent) that would cause a 25% reduction in mean young per female, or a 25% reduction in overall growth for the test population.
8. "Composite Samples" shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:
  - a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
  - b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;

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- c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every “X” gallons of flow); and,
  - d. Continuous sample volume, with sample collection rate proportional to flow rate.
9. “CWA” means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
  10. “Daily Maximum” (Daily Max.) is the maximum value allowable in any single sample or instantaneous measurement.
  11. “EPA,” means the United States Environmental Protection Agency.
  12. “Director,” means Director of the Division of Water Quality.
  13. A “grab” sample, for monitoring requirements, is defined as a single “dip and take” sample collected at a representative point in the discharge stream.
  14. An “instantaneous” measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
  15. “Severe Property Damage,” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
  16. “Upset,” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

**FACT SHEET AND STATEMENT OF BASIS  
SALT LAKE CROSSING  
PERMIT: DISCHARGE  
UPDES PERMIT NUMBER: UT0026255  
MINOR INDUSTRIAL**

**FACILITY CONTACTS**

Permittee: Salt Development, LLC  
Contact: Sean O'Connor  
Position: Construction Manager  
Phone Number: (970) 623-1026

Project Name: Salt Lake Crossing  
Discharge Location Name: 470 West 200 North Salt Lake City Parking Structure  
Mailing and Facility Address: 205 North 400 West, Suite 300  
Salt Lake City, UT 84103  
Telephone: (970)-623-1026  
Physical Location: 470 West 200 North  
Salt Lake City, UT 84103

**DESCRIPTION OF FACILITY**

Currently, the site is under construction for a multi-unit residential apartment complex with a sub-grade parking structure. Due to interaction with groundwater, the parking structure will require groundwater dewatering during and after construction.

**SUMMARY OF CHANGES FROM PREVIOUS PERMIT**

This facility previously had a Treated Groundwater and Surface Water General Permit with the UPDES permit number UTG790096. Given the total flow from the facility, the length of time of the project (in excess of one year), and the nature of the water being discharged (Total Dissolved Solids (TDS) in excess of what the General Permit allows), the facility is being transitioned to an individual UPDES permit.

**DISCHARGE**

**DESCRIPTION OF DISCHARGE**

The facility has been required to report self-monitoring results on Discharge Monitoring Reports (DMRs) on a monthly basis since the general permit was obtained in October of 2021. Results can be obtained at <https://echo.epa.gov/>.

Outfall Number  
001

Location of Discharge Outfall 001  
Located at latitude 40° 48 ' 21.0996" N and  
longitude 111° 55' 39.108" W. Groundwater



discharges to the Salt Lake City Stormwater System that drains to the Northwest Canal.

### **RECEIVING WATERS AND STREAM CLASSIFICATION**

If a discharge were to occur, it would be pumped into a drainage ditch and then to the Northwest Drain, which is Class 2B, 3E, and 5D, according to *UAC R317-2-13*.

- Class 2B -- Protected for infrequent primary contact recreation. Also protected for secondary contact recreation where there is a low likelihood of ingestion of water or a low degree of bodily contact with the water. Examples include, but are not limited to, wading, hunting, and fishing.
- Class 3E -- Severely habitat-limited waters. Narrative standards will be applied to protect these waters for aquatic wildlife.
- Class 5D -- Farmington Bay, Geographical Boundary -- All open waters at or below approximately 4,208-foot elevation east of Antelope Island and south of the Antelope Island Causeway, excluding salt evaporation ponds.  
Beneficial Uses -- Protected for infrequent primary and secondary contact recreation, waterfowl, shore birds and other water-oriented wildlife including their necessary food chain.

### **BASIS FOR EFFLUENT LIMITATIONS**

The majority of the limitations in this permit are based primarily upon the limitations found in the General Permit for Treated Groundwater and Surface Water Permit Number UTG790000, with a few exceptions. As mentioned above, this facility applied for and was issued coverage under the Treated Groundwater and Surface Water General Permit. However, it was found that due to several factors, primarily the length of the project, the facility was not eligible for that permit. It is, therefore, being transitioned to an individual permit. The effluent limits for the following pollutants are based on the General Permit for treated ground water; lead, benzene, BTEX, MTBE, naphthalene, Total Toxic Organics (TTO), Individual Toxic Organics, Total Petroleum Hydrocarbon (TPH) GRO, TPH-DRO, and Toxic Metals.

Several of the individual constituents of petroleum fuels will also be included in the permit effluent limitations. Benzene, toluene, ethylbenzene, and naphthalene are included because they are the components of gasoline that have been identified as toxic pollutants in the Clean Water Act. Xylene is included because it is one of the contaminants of concern to be regulated under the Safe Drinking Water Act of 1986. EPA has developed a model NPDES permit for discharges resulting from the cleanup of gasoline released from USTs. The model permit provides effluent limitations for surface water discharges from corrective actions at gasoline UST sites. The limits are based on the characterization of constituents commonly found in gasoline. The permit was developed to assist permitting authorities by recommending specific effluent limitations, standard conditions, and special conditions for inclusion in all NPDES permits for discharges from these sites. Of the aromatics known to be present in gasoline and diesel fuels, the ones that are listed as hazardous substances and/or priority toxics include naphthalene. Naphthalene has been present in detectable concentration in the effluent of greater than 10% of historic projects. Naphthalene's effluent limitation is based on BPJ and is the same as in the previous permit. Benzene, for which the EPA Office of Drinking Water has issued a health advisory, is a known human carcinogen. The EPA has set the Maximum Contaminant Level (MCL) for benzene in drinking water at 0.005 mg/L. In addition, EPA's model permit recommends an effluent limitation of 0.005 mg/L. The effluent limit for Benzene in this renewal permit is the same as in the previous permit. The aggregate BTEX parameter's effluent limitation will be set equal to EPA's model permit at 0.1 mg/L and is the same as in the previous permit. MTBE is included as a pollutant of concern with the effluent limitation based on BPJ and is the same as in the previous permit.

Total Toxic Organics chemicals are the primary sources of concern at cleanup sites. However, many of the toxic organics may be found in contaminated ground and surface water. They are often used as solvents or as oil additives to extend the useful life of oils. Although there are variations of toxicity among the toxic organic pollutants, a number are known carcinogens and many pose significant environmental hazards. Since there are potential adverse effects associated with these organics, they must also be addressed. The control of toxic organics will be achieved in this permit by setting an effluent limit for total TTO. TTO is defined as the sum of the concentrations of the specific toxic organic compounds (listed in Table B of the NOI) found in the wastewater discharge. All permittees are required to do an initial screening for all of the priority toxics prior to NOI submittal (see Table B of the NOI for a full list of the TTOs). From then on, only those organics that were detected in concentrations equal to or greater than 0.25 times (or, 25%) the numeric criteria in R317-2-14, in the initial influent screening are required to be analyzed for during discharge. The maximum daily effluent limitation for TTO is 2.0 mg/L and is the same as in the previous permit. This is similar to the EPA pretreatment standards for TTO in several industries in which toxic organics are a concern, such as the “Electroplating and Metal Finishing” and the “Electrical and Electronic Components” categories. Organics generally have a higher solubility in hydrocarbons than in water and are therefore present in highest concentrations in the oily waste stream of the wastewater. Since the treatment systems employed in these cleanup projects are designed to remove the waste oil, they should sufficiently reduce organic chemicals as well. For receiving waters which do not have designated use Class 1C Drinking Water, TPH analyses may be substituted for the TTO analyses upon approval from the Director. It is the permittee’s responsibility to petition the Director. The Director may then approve, partially approve, or deny the request based on all available information. If approval is given, the modification will take place without a public notice.

In August 2020, the Utah Division of Water Quality amended the secondary treatment requirements found in UAC R317-1-3. That rule change made the secondary treatment standards applicable only to Publicly Owned Treatment Works (POTW). As a result of that change, Utah secondary treatment standards for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS) do not automatically apply to industrial facilities, unless otherwise required by their effluent limitation guidelines. Since this facility is not classified as a POTW, and there are no controlling effluent limitation guidelines (ELG) for this activity, neither Utah secondary treatment standards nor ELG limits for BOD and TSS apply at this time. However, the daily TSS limit of 70 mg/L will remain to align the permit with the Treated Groundwater and Surface Water General Permit (UTG790000) and based on Best Professional Judgement (BPJ). The oil and grease are based on BPJ. Flow is based on reported values.

The absence of discharge limitations for TDS are based upon the use classification for the receiving waters and the lack of effluent limitation guidelines for the facility. Both the Northwest Drain and the Oil Drain Canal are listed as 2B, 3E. There are no agricultural uses (Class 4) for either of these waters. Since only Class 4 waters have limits for TDS, no TDS limitations will be included in this individual permit. However, this permit will require monitoring and reporting of TDS.

Based upon the limitations set forth in the permit, it has been determined that this discharge will not cause a violation of water quality standards. An Antidegradation Level II review was completed as part of this permitting process.

### **Reasonable Potential Analysis**

Since January 1, 2016, DWQ has conducted reasonable potential analysis (RP) on all new and renewal applications received after that date. RP for this permit renewal was not conducted following DWQ’s

September 10, 2015 Reasonable Potential Analysis Guidance (RP Guidance) because there is inadequate data for use in RP. As a result, monitoring for metals will be included in this permit. The additional monitoring will help establish a record of the presence or absence of each pollutant. Monitoring for metals will be required at a monthly frequency. See below for details.

The permit limitations are:

Parameter	Effluent Limitations *a			
	Maximum Monthly Avg	Maximum Weekly Avg	Daily Minimum	Daily Maximum
Total Flow, MGD *b *c	0.144	--	--	0.288
TSS, mg/L	--	--	--	70
pH, Standard Units	--	--	6.5	9
Oil & Grease, mg/L *e	--	--	--	10
Total Recoverable Lead, µg/L *f	--	--	--	5.0
Benzene, µg/L	--	--	--	5.0
BTEX, mg/L *g	--	--	--	0.1
MTBE, mg/L	--	--	--	0.2
Naphthalene, mg/L	--	--	--	0.7
TTO *h	--	--	--	2.0
Individual Toxic Organics	--	--	--	*g
TPH GRO, mg/L *i	--	--	--	1.0
TPH-DRO, mg/L *i	--	--	--	1.0
Toxic Metals, µg/L *j	--	--	--	Report
TDS, mg/L	--	--	--	Report
Toxic Organics *d	--	--	--	Report

### SELF-MONITORING AND REPORTING REQUIREMENTS

The permit will require reports to be submitted monthly and annually, as applicable, on DMR forms due 28 days after the end of the monitoring period. Effective January 1, 2017, monitoring results must be submitted using NetDMR unless the permittee has successfully petitioned for an exception. Lab sheets for metals and toxic organics must be attached to the DMRs.

Self-Monitoring and Reporting Requirements			
Parameter	Frequency	Sample Type	Units
Total Flow	Continuous	Recorder/ Measured	MGD
pH, Standard Units	2x/Monthly	Grab	mg/L
TSS	Monthly	Grab	mg/L
Total Recoverable Lead	Monthly	Grab	mg/L
Oil & Grease	Monthly	Grab	mg/L
Benzene	2x/Monthly	Grab	mg/L
BTEX	2x/Monthly	Grab	mg/L
MTBE	2x/Monthly	Grab	mg/L
Naphthalene	Monthly	Grab	mg/L
Total Toxic Organics (TTO)	Monthly	Grab	mg/L
Individual Toxic Organics	Monthly	Grab	mg/L

Total Petroleum Hydrocarbon (TPH) GRO	Monthly	Grab	mg/L
TPH-DRO	Monthly	Grab	mg/L
Toxic Metals	Monthly	Grab	mg/L
TDS	Monthly	Grab	mg/L
Toxic Organics	Quarterly	Grab	mg/L

- \*a See Definitions, *Part VIII*, for the definition of terms.
- \*b Flow measurements of influent/effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained.
- \*c If the rate of discharge is controlled, the rate and duration of discharge shall be reported.
- \*d The permittee shall analyze the effluent for the presence of the toxic pollutants listed in 40 CFR 122 Appendix D Table II (Organic Toxic Pollutants). The pesticides fraction of Appendix D, Table II is suspended unless pesticides are expected to be present.
- \*e Oil & Grease sampled when sheen is present or visible. If no sheen is present or visible, report NA.
- \*f The freshwater benchmarks values of some metals are dependent on water hardness. These effluent limits have been calculated using an assumption of 25mg/l CaCO<sub>3</sub> hardness.
- \*g BTEX shall be measured as the sum of benzene, ethylbenzene, toluene, and xylenes.
- \*h Those toxic organics that were detected in concentrations equal to or greater than 0.25 times (or, 25%) the numeric criteria in R317-2-14, or if no numeric criterial exists in R317-2-14, 0.25 times (or 25%) the drinking water MCL as defined by EPA, in the initial TTO influent screening will be required to be analyzed for during discharge. Toxic organics detected in concentrations equal to or greater than 0.25 times (or, 25%) the numeric criteria in R317-2-14 or the MCL shall have effluent discharge limitations in as defined in R317-2-14, or, if no numeric criteria exist in R317-2-14, the MCL as defined by EPA will be the limit. Individual toxic organics required to be monitored and analyzed on a monthly basis, will be specified in the DWQ section of the NOI upon permit issuance.
- \*i TPH-GRO and TPH-DRO analyses may be substituted for the TTO analyses upon approval from DWQ. Maximum daily effluent limitations of 1.0 mg/L TPH-GRO and TPH-DRO will be substituted for the TTO effluent limitation. It is the permittee's responsibility to petition the Director. Ongoing treatment systems will be required to conduct at least one TTO analysis per permit cycle. The Director may then approve, partially approve, or deny the request based on all available information. If approval is given, the modification will take place without a public notice.
- \*j The toxic metals to be sampled include the following: Total Recoverable Aluminum, Total Arsenic, Total Cadmium, Total Chromium, Total Copper, Total Mercury, Total Nickel, Total Silver and Total Zinc.

### BIOSOLIDS

The State of Utah has adopted the *40 CFR Part 503* federal regulations for the disposal of sewage sludge (biosolids) by reference. However, since this facility is a dewatering project, there is no sludge production. Therefore *40 CFR Part 503* does not apply at this time.

### STORM WATER

Permit coverage under the Construction General Storm Water Permit (CGP) is required for any construction at the facility which disturb an acre or more, or is part of a common plan of development or sale that is an acre or greater. A Notice of Intent (NOI) is required to obtain a construction storm water permit prior to the period of construction.

Information on storm water permit requirements can be found at <http://stormwater.utah.gov>

### **PRETREATMENT REQUIREMENTS**

Any process wastewater that the permittee discharges to a POTW, either as a direct discharge or as a hauled waste, is subject to federal, state, and local pretreatment regulations. Pursuant to section 307 of the Clean Water Act, the permittee shall comply with all applicable federal general pretreatment regulations promulgated, found in 40 CFR 403, the pretreatment requirements found in UAC R317-8-8, and any specific local discharge limitations, Pretreatment Standards or Pretreatment Requirements developed by the POTW accepting the waste or required by 40 CFR 403 or R317-8.

In addition, in accordance with 40 CFR 403.12(p)(1), the permittee must notify the POTW, the EPA Regional Waste Management Director, and the State hazardous waste authorities, in writing, if they discharge any substance into a POTW which if otherwise disposed of would be considered a hazardous waste under 40 CFR 261. This notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous or batch).

### **BIOMONITORING REQUIREMENTS**

A nationwide effort to control toxic discharges where effluent toxicity is an existing or potential concern is regulated in accordance with the Utah Pollutant Discharge Elimination System Permit and Enforcement Guidance Document for Whole Effluent Toxicity Control (biomonitoring), dated February 2018. Authority to require effluent biomonitoring is provided in Permit Conditions, UAC R317-8-4.2, Permit Provisions, UAC R317-8-5.3 and Water Quality Standards, UAC R317-2-5 and R317 -2-7.2.

The permittee is a minor industrial facility that will be discharging an infrequent amount of effluent, in which toxicity is neither an existing concern, nor likely to be present. Additionally, the receiving waters are listed as Class 3DE, severely habitat-limited waters. Based on these considerations, and the absence of receiving stream water quality monitoring data, there is no reasonable potential for toxicity in the permittee's discharge (per State of Utah Permitting and Enforcement Guidance Document for WET Control). As such, there will be no numerical WET limitations or WET monitoring requirements in this permit. However, the permit will contain a toxicity limitation re-opener provision that allows for modification of the permit should additional information indicate the presence of toxicity in the discharge.

### **PERMIT DURATION**

It is recommended that this permit be effective for a duration of five (5) years.

Drafted and Reviewed by  
Lonnie Shull, Discharge Permit Writer, Biomonitoring  
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### **PUBLIC NOTICE**

Began: February 23, 2024

Ended: March 25, 2024

Comments will be received at:       195 North 1950 West  
  PO Box 144870  
  Salt Lake City, UT 84114-4870

The Public Noticed of the draft permit was published on the DWQ webpage.

During the public comment period provided under R317-8-6.5, any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments will be considered in making the final decision and shall be answered as provided in R317-8-6.12.

### **ADDENDUM TO FSSOB**

During finalization of the Permit certain dates, spelling edits and minor language corrections were completed. Due to the nature of these changes they were not considered Major and the permit is not required to be re Public Noticed.

### **Responsiveness Summary**

No public comments were received during the public comment period.

DWQ-2024-000139



UPDES Industrial Permit Application

Part X. Antidegradation Review *continued*

Effluent flow reviewed: *typically, this should be the maximum daily discharge at the design capacity of the facility. Exceptions should be noted.*

Typical max flow is 10 gallons per minute, with observed peak flows up to 50 gallons per minute.

What is the application for? (Check all that apply)

- A UPDES permit for a new facility, project, or outfall. Old permit is expiring.
- A UPDES permit renewal with an expansion of modification of an existing wastewater treatment works.
- A UPDES permit renewal requiring limits for a pollutant not covered by the previous permit and/or an increase to existing permit limits.
- A UPDES permit renewal with no charges in facility operations.

Section B. Is a Level II ADR required?

*This section of the form is intended to help applicants determine if a Level II ADR is required for specific permitted activities. In addition, the Executive Secretary may require a Level II ADR for an activity with the potential for major impact on the quality of waters of the state (R317-2-3.5a.1).*

**B1. The UPDES permit is new or is being renewed and the proposed effluent concentration and loading limits are higher than the concentration and loading limits in the previous permit and any previous antidegradation review(s).**

- YES – (Proceed to B3 of the Form)
- NO – No Level II ADR is required and there is no need to proceed further with the review questions. Continue to the Certification Statement and Signature page.

**B2. Will any pollutants use assimilative capacity of the receiving water, i.e. do the pollutant concentrations in the effluent exceed those in the receiving waters at critical conditions? For most pollutants, effluent concentrations that are higher than the ambient concentrations require an antidegradation review? For a few pollutants such as dissolved oxygen, and antidegradation review is required if the effluent concentrations are less than the ambient concentrations in the receiving water. (Section 3.3.3 of Implementation Guidance)**

- YES – (Proceed to B4 of the Form)
- NO – No Level II ADR is required and there is no need to proceed further with the review questions. Continue to the Certification Statement and Signature page.



UPDES Industrial Permit Application

**Part X. Antidegradation Review *continued***

**B3. Are water quality impacts of the proposed project temporary and limited (Section 3.3.4 of Implementation Guidance)?** Proposed projects that will have temporary and limited effects on water quality can be exempted from a Level II ADR.

- YES – Identify the reason used to justify this determination if B4.1 and proceed to Section G. No Level II ADR is required.
- NO – A Level II ADR is required (Proceed to Section C)

**B3.1 Complete this question only if the applicant is requesting a Level II review exclusion for temporary and limited projects (See R317-2-3.5(b)(3) and R317-2-3.5(b)(4)). For projects requesting a temporary and limited exclusion please indicate the factor(s) used to justify this determination (check all that apply and provide details as appropriate) (Section 3.3.4 of Implementation Guidance):**

- Water quality impacts will be temporary and related exclusively to sediment or turbidity and fish spawning will not be impaired.

**Factors to be considered in determining whether water quality impacts will be temporary and limited:**

- a) The length of time during which water quality will be lowered:
- b) The perfect change in ambient concentrations of pollutants:
- c) Pollutants affected:
- d) Likelihood for long-term water quality benefits:
- e) Potential for any residual long-term influences on existing uses:
- f) Impairment of fish spawning, survival and development of aquatic fauna excluding fish removal efforts:


Additional justification, as needed:





UPDES Industrial Permit Application

Part X. Antidegradation Review *continued*

**Level II ADR**

*Section C, D, E, and F of the form constitute the Level II ADR Review. The applicant must provide as much detail as necessary for DWQ to perform the antidegradation review. Questions are provided for the convenience of applicants; however, for more complex permits it may be more effective to provide the required information in a separate report. Applicants that prefer a separate report should record the report name here and proceed to Section G of the form.*

**Option Report Name:** \_\_\_\_\_

**Section C. Is the degradation from the project socially and economically necessary to accommodate important social or economic development in the area in which the waters are located?** *The applicant must provide as much detail as necessary for DWQ to concur that the project is socially and economically necessary when answering the questions in the section. More information is available in Section 6.2 of the Implementation Guidance.*

**C1. Describe the social and economic benefits that would be realized through the proposed project, including the number and nature of jobs created and anticipated tax revenues.**

This project provided needed quality high density residential housing for Salt Lake City on a small foot print of land. The site is located in an area where most residential needs can be achieved within walking distance or using public transit. Over 100 jobs were created during construction, and the site would be taxed per applicable Utah tax code.

**C2. Describe any environmental benefits to be realized through implementation of the proposed project.**

Given the structure areal foot-print per number of homes, this apartment complex reduces the land area requirements to house numerous tenants. Also, there is less need for utilization of a vehicle as public transit is located near the project, thus reducing emissions to the environment.

**C3. Describe any social and economic losses that may result from the project, including impacts to recreation or commercial development.**

No known loss.

**C4. Summarize any supporting information from the affected communities on preserving assimilative capacity to support future growth and development.**

Based on the analytical data of the discharge water, the impacts from this discharge would not affect the secondary contact recreational use of the downstream waters. Therefore, future project could also be apportioned to discharge to these waters as well. Also, Salt Lake City does not utilize shallow groundwater which is being extracted at the project.



**UPDES Industrial Permit Application**

**Part X. Antidegradation Review *continued***

**C5. Please describe any structures or equipment associated with the project that will be placed within or adjacent to the receiving water.**

None.

**C6. Will the discharge potentially impact a drinking water source, e.g., Class 1C waters? Depending upon the locations of the discharge and its proximity to downstream drinking water diversions, additional treatment or more stringent effluent limits or additional monitoring, beyond that which may otherwise be required to meet minimum technology standards or in stream water quality standards, may be required by the Director in order to adequately protect public health and the environment (R317-2-3.5 d.).**

- YES
- NO

**Section D. Identify and rank (from increasing to decreasing potential threat to designated uses) the parameters of concern. Parameters of concern are parameters in the effluent at concentrations greater than ambient concentrations in the receiving water. The applicant is responsible for identifying parameter concentrations in the effluent and DWQ will provide parameter concentrations for the receiving water. More information is available in Section 3.3.3 of the Implementation Guidance.**

<b>Parameters of Concern:</b>			
<b>Rank</b>	<b>Pollutant</b>	<b>Ambient Concentration</b>	<b>Effluent Concentration</b>
1.	TDS	unknown	668 mg/L
2.	pH	unknown	8 to 8.5
3.	Copper	unknown	0.0014 mg.L
4.	TSS	unknown	4 mg/L
5.			



**UPDES Industrial Permit Application**

**Part X. Antidegradation Review *continued***

**Pollutants Evaluated that are not Considered Parameters of Concern:**

Pollutant	Ambient Concentration	Effluent Concentration	Justification
1. MBTEXN	Unknown	Non-Detect	Lack of significant concentrations detected
2. TPH-GRO	Unknown	Non-Detect	Lack of significant concentrations detected
3. TPH-DRO	Unknown	Non-Detect	Lack of significant concentrations detected
4. Lead	Unknown	Non-Detect	Lack of significant concentrations detected
5. Zinc	Unknown	Non-Detect	Lack of significant concentrations detected

**Section E. Alternative Analysis Requirements of Level II Antidegradation Review. *Level II ADRs require the applicant to determine whether there are feasible less-degrading alternatives to the proposed project. More information is available in Section 5.5 and 5.6 of the Implementation Guidance.***

**E1. The UPDES permit is being renewed without any changes to flow or concentrations. Alternative treatment and discharge options including changes to operations and maintenance were considered and compared to the current processes. NO economically feasible treatment or discharge alternatives were identified that were not previously considered for any previous antidegradation review(s).**

- YES – (Proceed to Section F)
- NO or Does Not Apply (Proceed to E2)

**E2. Attach as an appendix to this form a report that describes that following factors for all alternative treatment options (see 1) a technical descriptions of the treatment process, including construction costs and continued operation and maintenance expenses, 2) the mass and concentration of discharge constituents, and 3) a description of the reliability of the system, including the frequency where recurring operation and maintenance may lead to temporary increases in discharged pollutants. Most of this information is typically available from a Facility Plan, if available.**

Report Name: Not applicable

**E3. Describe the proposed method and cost of the baseline treatment alternative. The baseline treatment alternative is the minimum treatment required to meet water quality based effluent limits (WQBEL) as determined by the preliminary or final wasteload analysis (WLC) and any secondary or categorical effluent limits.**

No baseline treatment



**UPDES Industrial Permit Application**

**Part X. Antidegradation Review *continued***

**E4. Were any of the following alternatives feasible and affordable?**

Alternative	Feasible	Reason Not Feasible/Affordable
Pollutant Trading	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Water Recycling/Reuse	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Land Application	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Connection to Other Facilities	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Upgrade to Existing Facility	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Total Containment	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Improved O&M of Existing Systems	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Seasonal or Controlled Discharge	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
New Construction	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
No Discharge	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

**E5. From the applicant's perspective, what is the preferred treatment option?**

None as total contaminants on-site do not result in effluent exceeding previous permit limits. However, no reuse of the water is suggested.



UPDES Industrial Permit Application

Part X. Antidegradation Review *continued*

E6. Is the preferred option also the least polluting feasible alternative?

YES    NO

If No, what were less degrading feasible alternative(s)?

If No, provide a summary of the justification for not selecting the least polluting feasible alternative and if appropriate, provide a more detailed justification as an attachment.

Section F. Optional Information

F1. Does the applicant want to conduct optional public review(s) in addition to the mandatory public review? Level II ADRs are public noticed for a thirty day comment period. More information is available in Section 3.7.1 of the Implementation Guidance.

YES    NO

F2. Does the project include an optional mitigation plan to compensate for the proposed water quality degradation?

YES    NO

Report Name: \_\_\_\_\_